

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with C. Andrew Im, attorney of record, on November 2, 2009.

The paragraph numbered [0028] bridging pages 10 and 11 of the specification contains overlapping text. The paragraph contains overlapping paragraphs [0028], [0029] and [0030]. The text of each of the paragraphs was obtained from Mr. Im on November 2, 2009.

The application has been amended as follows:

The paragraph numbered [0028] bridging pages 10 and 11 of the specification has been replaced with paragraphs [0028], [0029] and [0030] reproduced below.

--[0028] In accordance with an embodiment of the present invention, a scene or object of interest is imaged onto a spatial light modulator. The spatial light modulator is used to pass or reject the spatial resolution elements of the image. The selected spatial resolution elements propagate through an imaging spectrograph system and are spectrally imaged onto a focal plane array sensor.

[0029] In accordance with an embodiment of the present invention, the hyper-spectral imaging system is capable of multiplexed measurements, including Hadamard hyper-spectral imaging and an adaptive multiplexing. It is appreciated that applications of the present invention in spectrometry and imaging are not limited to HT techniques since the information corresponding to any micro-mirror in the DMD can be included in or excluded from any measurement as desired by the investigator or operator. In accordance with an aspect of the present invention, an instrument comprising no moving parts other than

the micro-mirrors in the DMD provides a compact and robust instrument for operation in rugged or potentially hostile environments ranging from process control to outer space.

[0030] Advantages of the present invention include, but not limited to, extended hours of operability, operable capabilities beyond the conventional single slit spectral imaging systems, improved signal to noise ratios, increased sensitivity for chemistry and features of interest in hyper-spectral imagery and spectral data, faster information delivery, smaller bandwidth for telemetry of data, and post processing reduction of data.--

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/F. L. Evans/
Primary Examiner
Art Unit 2877**

November 3, 2009.